

APPEAL NO. 021134
FILED JUNE 27, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 10, 2002. The appellant (carrier) appeals the hearing officer's determination that the respondent's (claimant) impairment rating (IR) is 16%. There is no response from the claimant contained in our file.

DECISION

Reversed and rendered.

The carrier's appeal of the IR invites review of the hearing officer's action in total, With respect to the IR. The hearing officer did not err in adopting the IR of the designated doctor; however, he did err in changing the IR from 17% to 16%. The hearing officer determined that the Texas Workers' Compensation Commission-selected designated doctor erred because he misread Table 54 on page 89 of the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association (AMA Guides). The hearing officer determined that the designated doctor inappropriately awarded 1% whole person impairment for a 30° angle of minimum kyphosis when, according to the table, 0 to 40° is neutral and yields 0% impairment. The hearing officer erred in adjusting the 17% IR assigned by the designated doctor to reflect the 1%.

The designated doctor properly used the abnormal motion portion of Table 54 of the AMA Guides to award 1% whole person impairment, rather than the ankylosis portion of that table as recommended by the hearing officer, because according to the AMA Guides (see page 86) the higher value from those two tables is to be used. Accordingly, we reverse the hearing officer's decision and render a new decision that the claimant's IR is 17% as determined by the designated doctor.

The true corporate name of the insurance carrier is **AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Roy L. Warren
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge